



MUSCO
Sports Lighting



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November 10, 2016

St. John Vianney High School
 Attn: Michael Loyet
 1311 S Kirkwood Road
 Kirkwood, MO 63122

SENT VIA EMAIL: mloyet@vianney.com

SUBJECT: PERMITTED USE DETERMINATION
 ST. JOHN VIANNEY, 1311 SOUTH KIRKWOOD ROAD

Dear Mr. Loyet:

During review of the letter submitted to the City's Board of Adjustment on October 6, 2016 from the Jenkins & Kling Law Firm, Staff noticed information regarding the outdoor activities conducted at your property which prompted this letter. The information was on page 3, section 6 of the letter and states the following:

"Vianney has spent approximately \$235,000.00 in constructing the lights and will suffer further losses of revenue from expected fees for use of the sports field by third parties."

The above referenced property is currently zoned R-3 Single-Family Residential District. These district regulations permit "Schools, public or private," and athletic facilities can qualify as accessory to this primary use. However, the district regulations also include a distinctly separate land use term for "Recreational developments, privately owned," which is listed as a Special Use and would require separate approval under Article IX, Section A-900 of the City's Zoning Code. This land use term is defined in the City's Zoning Code as the following:

"An outdoor or indoor facility designed for organized recreational activities, including but not limited to arenas, stadiums, rinks, auditoriums, or outdoor theaters."

Please consider this letter to serve as notice to Vianney that renting out Vianney's athletic facilities and fields to "third parties" is considered a "Recreational development[s], privately owned" rather than as an accessory use to the "Schools, public or private." Consequently, such rentals to third parties would be in violation of the City's Zoning Code unless the appropriate Special Use Permit is granted.

Sincerely,

CITY OF KIRKWOOD


 Jonathan D. Raiche, AICP
 City Planner

EXHIBIT "15"

Cc: Stephen Kling (skling@jenkinskling.com), Jenkins & Kling, P.C.
Russ Hawes, Chief Administrative Officer
Bill Bensing, Public Services Director
John Hessel, City Attorney